



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

May 1, 2008

Marc Marandola, President
Victory Finishing Technologies, Inc.
145 Globe Street
Providence, RI 02903

Re: Clean Air Act Reporting Requirement, Docket No. AAA-08-0028

Dear Mr. Marandola:

The United States Environmental Protection Agency ("EPA") is evaluating whether the Victory Finishing Technologies, Inc. facility in Providence, Rhode Island ("Victory") is in compliance with the Clean Air Act (the "Act") and regulations promulgated under the Act, including but not limited to the National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products ("MMP&P NESHAP"), 40 C.F.R. Part 63, Subpart MMMM.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a facility to submit such information as EPA may reasonably require to determine the facility's compliance with the Act. Therefore, within 10 days of receiving this letter, Victory is required to provide all of the information outlined below for the Providence facility. Provide a separate numbered response to each numbered paragraph or subparagraph below:

1. Provide a description of all surface coating operations of metal substrates conducted at the facility including: the products manufactured from the coated metal substrates; the types of coatings and cleaning materials used; a description of any thinners or additives added to the coatings; the type of equipment used to conduct the surface coating operations along with equipment designations (e.g., Spray Booth #1 or Dip Tank #2); and the type of control equipment used to minimize hazardous air pollutant ("HAP") emissions, if applicable.
2. For each coating, cleaning material, thinner, and additive described in response to question 1 above that is applied to metal substrates, indicate which, if any, contain HAPs. (See 40 C.F.R. § 63.2 for a definition of HAPs and 40 C.F.R. § 63.3981 for a definition

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of a non-HAP coating. Go to www.epa.gov/ttn/atw/188polls.html for a list of the current 188 HAPs).

3. State whether Victory is a major source of HAPs. To be considered a major source of HAPs, a facility must have the potential to emit 10 tons per year or more of a single HAP or 25 tons per year or more of a combination of HAPs from all of its facility operations. Provide calculations and documentation in support of your determination.

Note that potential to emit ("PTE") is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design (40 C.F.R. § 63.2). Unless your facility had federally-enforceable limits in place restricting its HAP emissions below the major source thresholds prior to the effective compliance date of the MMP&P NESHAP, PTE must be calculated based on the highest possible application rate of the coating with the highest possible HAP content, for 8,760 hours per year. The effective compliance date for the MMP&P NESHAP was January 3, 2007.
4. State whether Victory has used at least 250 gallons per year of coatings containing HAPs in the surface coating of miscellaneous metal parts and products, during each rolling twelve month period since January 1, 2007 (e.g., January 1, 2007 through December 31, 2007; February 1, 2007 through January 31, 2008; March 1, 2007 through February 29, 2008; and April 1, 2007 through March 31, 2008). If Victory has used less than 250 gallons of coatings containing HAPs in each of the twelve month rolling periods since January 1, 2007, provide supporting documentation. Include in these calculations all thinners and additives containing HAPs that are added to coatings prior to the surface coating of any metal substrates.
5. State whether Victory is subject to the MMP&P NESHAP. If Victory has determined that it is not subject to the MMP&P NESHAP, provide a detailed explanation for this determination.
6. State whether Victory submitted an initial notification to EPA and/or the Rhode Island Department of Environmental Management ("RI DEM") under 40 C.F.R. § 63.3910(b) of the MMP&P NESHAP. If such a notification was submitted, state the date it was submitted and provide a copy. If no such notification was submitted to EPA and/or the RI DEM, and if Victory is subject to the MMP&P NESHAP, provide the initial notification to EPA as part of your response to this Reporting Requirement. Also provide the RI DEM with a copy of the notification. The content requirements of the initial notification are described at 40 C.F.R. §63.9(b) and 40 C.F.R. §63.3910(b).
7. State whether Victory submitted a notification of compliance status to EPA and/or the RI DEM under 40 C.F.R. § 63.3910(c) of the MMP&P NESHAP. If such a notification was submitted, state the date it was submitted and provide a copy. If no such notification was submitted to EPA and/or the RI DEM, and if Victory is subject to the MMP&P NESHAP, provide the notification of compliance status to EPA as part of your response to this Reporting Requirement. Also provide the RI DEM with a copy of the notification.

The content requirements of the notification of compliance status are described at 40 C.F.R. §63.9(h) and 40 C.F.R. §63.3910(c).

Be aware that if Victory does not provide the requested information, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This Reporting Requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

Victory may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. §2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to Victory. Please be aware that the State of Rhode Island may have different rules and regulations governing the protection of confidential business information.

Provide the above-required information to:

Tom McCusker
US EPA Region 1
Mail Code SEA
One Congress Street, Suite 1100
Boston, Massachusetts, 02114

EPA requests that you also provide copies of your response to:


Dean Albro, Chief
Office of Compliance and Inspection
Rhode Island Department of Environmental Management
235 Promenade Street, Room 220
Providence, RI 02908

and

Steven Majkut, Chief
Office of Air Resources
Rhode Island Department of Environmental Management
235 Promenade Street, Room 230
Providence, RI 02908

If you have any questions regarding this Reporting Requirement, please contact Environmental Engineer, Tom McCusker, at (617) 918-1862, or have your attorney call Senior Enforcement Counsel Tom Olivier, at (617) 918-1737.

Sincerely,

A handwritten signature in cursive script that reads "Susan Studlien".

Susan Studlien, Director
Office of Environmental Stewardship

cc: Ted Burns, RI DEM
Dean Albro, RI DEM